UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,940	06/21/2001	Tomihiko Azuma	029471-0152	3888

22428	7590	10/08/2004

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER
GART, MATTHEW S

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/884,940	AZUMA, TOMIHIKO
	Examiner	Art Unit
	Matthew s Gart	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-22_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-22_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _21 June 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _Jan 12, 2004_.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claims 1-22 are pending in the instant application.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which

papers have been placed of record in the file.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15-22 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

Referring to claims 15-22. Claims to computer-related inventions that are clearly

nonstatutory fall into the same general categories as nonstatutory claims in other arts,

namely natural phenomena such as magnetism, and abstract ideas or laws of nature

which constitute "descriptive material." Abstract ideas, Warmerdam, 33 F.3d at 1360,

31 USPQ2d at 1759, or the mere manipulation of abstract ideas, Schrader, 22 F.3d at

292-93, 30 USPQ2d at 1457-58, are not patentable. Descriptive material can be

characterized as either "functional descriptive material" or "nonfunctional descriptive

material." In this context, "functional descriptive material" consists of data structures and

computer programs which impart functionality when employed as a computer

component. "Nonfunctional descriptive material" includes but is not limited to music,

literary works and a compilation or mere arrangement of data. <u>Both types of</u>

<u>"descriptive material" are nonstatutory when claimed as descriptive material per se (i.e.</u>

<u>a computer-readable program). When functional descriptive material is recorded on</u>

<u>some computer-readable medium it becomes structurally and functionally interrelated to</u>

<u>the medium and will be statutory in most cases since use of technology permits the</u>

<u>function of the descriptive material to be realized.</u> Compare In re Lowry, 32 F.3d 1579,

1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by

Koren Patent Application Publication US 2003/0069844.

<u>Referring to claim 1</u>. Koren discloses a voice signature transaction system

comprising a user terminal used by a user, a server used by a person providing

products or services, and a data network connecting the user terminal and the server for

conducting a product or service transaction, wherein

- said user terminal comprises a voice input unit for inputting voice data (Koren: paragraph 0033), and wherein

- said server comprises a sending/receiving unit, an allocating unit, a storage unit, and a checking unit, wherein

  o said sending/receiving unit (Koren: Figure 17, "**74**")

    - sends product and service transaction information to said user terminal (Koren: Figure 17, "**80**") when accessed by said user terminal (Koren: paragraph 0023),

    - receives order data including data on a product or a service and a user name, said product or service being specified on said user terminal receiving the transaction information and being specified from products and services included in the transaction information (Koren: paragraph 0014 through 0015),

    - sends order ID request information to said user terminal, said order ID request information requesting a signature of an order ID of the order data via voice, said order ID being allocated by said allocating unit in response to the order data (Koren: paragraph 0033),

    - receives order ID voice data that is input, via voice, on said user terminal receiving the order ID request information (Koren: paragraph 0033),

    - sends name request information to said user terminal when the order ID included in the received order ID voice data matches the

allocated order ID, said name request information requesting to

input, via voice, a signature of a name of a user who has placed the

order (Koren: paragraph 0033),

- receives name voice data that is input, via voice, on said user

  terminal receiving the name request information (Koren: paragraph

  0033), and

- sends acceptance information to said user terminal when the name

  included in the received name voice data matches the name

  included in the order data, said acceptance information indicating

  that the order data, the order ID voice data, and the name voice

  data have been accepted (Koren: paragraph 0033 and paragraph

  0055), wherein

o said allocating unit allocates the order ID to the order data (paragraph

  0033), wherein

o said storage unit stores the order data as well as the order ID voice data

  and the name voice data that are related to the order data and stores the

  transaction information (Koren: Figure 14, "**1128**"), and wherein

o said checking unit

- checks if the order ID included in the received order ID voice data

  matches the allocated order ID (Koren: paragraph 0111), and

- checks if the name included in the received name voice data

  matches the name included in the order data (Koren: paragraph

  0111).

<u>Referring to claim 2</u>. Koren further discloses a system wherein

- the sending/receiving unit of said server further sends date/time request

  information to said user terminal when the name included in the received name

  voice data matches the name included in the order data, said date/time request

  information requesting to input, via voice, an order date/time (Koren: paragraph

  0085), and

- receives date/time voice data that is input, via voice, on said user terminal

  receiving the date/time request information (Koren: paragraph 0085), and

- the storage unit of said server further stores the date/time voice data related to

  the order data (Koren: paragraph 0085).

<u>Referring to claim 3</u>. Koren further discloses a system wherein

- the checking unit of said server further checks if a voiceprint of the received order

  ID voice data matches a voiceprint of the received name voice data and/or

  date/time voice data (Koren: paragraph 0033, paragraph 0055 and paragraph

  0111), and

- the sending/receiving unit of said server further sends the acceptance

  information to said user terminal when the voiceprint of the received order ID

  voice data matches the voiceprint of the received name voice data and/or

date/time voice data (Koren: paragraph 0033, paragraph 0055 and paragraph

0111).

Referring to claim 4. Koren further discloses a system wherein

- the checking unit of said server further checks if a voiceprint of the received order

  ID voice data matches a voiceprint of the received name voice data and/or

  date/time voice data (Koren: paragraph 0033 and paragraph 0111), and

- the sending/receiving unit of said server further sends the acceptance

  information to said user terminal when the voiceprint of the received order ID

  voice data matches the voiceprint of the received name voice data and/or

  date/time voice data (Koren: paragraph 0033 and paragraph 0111).

Referring to claim 5. Koren further discloses a system wherein

- the sending/receiving unit of said server sends

- the order ID request information or the name request information again when the

  checking unit did not find a match in the order IDs, in the names, or in the

  voiceprints (Koren: paragraph 0098 through paragraph 0099), and

- information indicating that the order data is not accepted when the checking unit

  did not find a match in the order IDs, in the names, or in the voiceprints after the

  order ID request information or the name request information is sent a specified

  number of times (Koren: paragraph 0098 through paragraph 0099).

Referring to claim 6. Koren further discloses a system wherein said server

further comprises output unit outputting a voice of the voice data stored in the storage

unit (Koren: Figure 17).

Referring to claim 7. Koren further discloses a system wherein said user terminal
is a cellular phone and wherein said data network includes a wireless base station
capable of making a wireless connection to the cellular phone (Koren: Figure 17).

Referring to claims 8-14. Claims 8-14 are rejected under the same rationale as
set forth above in claims 1-7.

Referring to claims 15-22. Claims 15-22 are rejected under the same rationale
as set forth above in claims 1-7.

Conclusion

The prior art made of record and not relied upon is considered pertinent to
applicant's disclosure.

Ginter, U.S. Patent Number 5,915,019, June 22, 1999, discloses a system and
method for secure transaction management and electronic rights protection.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Matthew s Gart whose telephone number is 703-305-
5355. The examiner can normally be reached on 8:30AM to 5:00PM m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number
for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

MSG
Patent Examiner
September 30, 2004